

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
Minute Order

Hearing Information:

ADV: 10-90636

CALIFORNIA BANK & TRUST, ASSIGNEE VS DAVID KAHN

Debtor: DAVID KAHN

Case Number: 10-12306-PB7

Chapter: 7

Date / Time / Room: MONDAY, JULY 18, 2011 11:00 AM DEPARTMENT 4

Bankruptcy Judge: PETER W. BOWIE

Courtroom Clerk: MARILYN WILKINSON

Reporter / ECR: LYNETTE ALVES

Matter:

DEFENDANT'S MOTION TO DISMISS 1ST AMENDED COMPLAINT

Appearances:

MEGHAN CANTY SHERRILL, ATTORNEY FOR CALIFORNIA BANK & TRUST, ASSIGNEE
BERNARD M. HANSEN, ATTORNEY FOR DAVID KAHN

Disposition:

Motion to Dismiss denied in the most part except leave granted to amend complaint to allege that debtor was asked to explain the loss of assets under 11 U.S.C. § 727(a)(5) and Court will agree to certify for 28 U.S.C. 1292 issue of relation back whether sufficient facts were alleged in original complaint were sufficient for relating back for Statute of Limitations purposes.

Plaintiff to have 30 days to amend complaint. Order to come from Sherrill. Contested.